



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office

Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

SERIAL NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
09/078,956	05/14/98	VON OEPEN	R 262

MICHAEL J STRICKER
STRIKER STRIKER & STENBY
103 EAST NECK ROAD
HUNTINGTON NY 11743

QM31/0525

EXAMINER	
JACKSON, S	
ART UNIT	PAPER NUMBER
3738	

DATE MAILED: 05/25/99

Please find below a communication from the EXAMINER in charge of this application.

Commissioner of Patents

Office Action Summary

Application No. 09/078,956	Applicant(s) Von Oopen
Examiner Suzette Jackson	Group Art Unit 3738

Responsive to communication(s) filed on May 14, 1998

This action is FINAL.

Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

Claim(s) 1-13 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

Claim(s) _____ is/are allowed.

Claim(s) 1-13 is/are rejected.

Claim(s) _____ is/are objected to.

Claims _____ are subject to restriction or election requirement.

Application Papers

See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

The drawing(s) filed on May 14, 1998 is/are objected to by the Examiner.

The proposed drawing correction, filed on _____ is approved disapproved.

The specification is objected to by the Examiner.

The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

All Some* None of the CERTIFIED copies of the priority documents have been received.

received in Application No. (Series Code/Serial Number) _____.

received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

Notice of References Cited, PTO-892

Information Disclosure Statement(s), PTO-1449, Paper No(s). 4

Interview Summary, PTO-413

Notice of Draftsperson's Patent Drawing Review, PTO-948

Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

Art Unit: 3738

DETAILED ACTION

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the “*...stretchable hose piece which is pulled onto the balloon portion.*”, indicated in claim 7 and “*three coaxial hoses arranged so that two inwardly located hoses form hollow chambers...*” indicated in claim 8, must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Specification

2. The Specification is objected to because of the following informalities: On page 8, line 1, Figure 3 does not illustrate 3 examples of stenosis as indicated. Appropriate correction is required.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are

Art Unit: 3738

such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over JOMED **IMPLANTABLE/ DE 29701758 U1** in view of Jang USPN 5,304,132. **DE 29701758 U1** discloses the invention as claimed comprising: a multicellular stent made of metal which is implantable in a body vessel which is radially expandable and formed as a hollow cylindrical element with at least one section with enlarged radial apertures (15) which is pre-mountable onto a balloon catheter; however **DE 29701758 U1** does not disclose specifics regarding the balloon catheter. Jang teaches a steerable guidewire-type catheter which has a guidewire lumen extending the entire length of the catheter, from the proximal end to the distal end (col. 9 , lines 41-45); with a first lumen (54) in the outer wall of the catheter and a second lumen (66) along the longitudinal portion of the catheter where a stent is pullable along the guide wires out of the vessel. It would have been obvious to one having ordinary skill in the art at the time the invention was made to take the stent of **DE 29701758 U1** and mount it on the balloon catheter of Jang so that the stent's larger opening would allow for further blood flow at the bifurcated portion of the vessel and to treat non-uniformity of the vessel at the ostium which may display changes in diameter or curvature.

Art Unit: 3738

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Richter 5,807,404; Tower 5,868,783; Alt 5,855,600; Richter et al. 5,836,964; Jayaraman 5,893,887; Hillstead 4,856,516; Sahota 5,800,393; and Dereume et al. 5,723,004 all show other closely related prosthesis.

6. Any inquiry concerning this communication or earlier communication regarding this application should be directed to examiner Suzette Jackson at (703) 308-6516. If you are unable to reach me, please contact my supervisor, Mickey Yu, at (703) 308-2672. In a case requiring immediate assistance, please call (703) 308-0858 to reach the main operator for Sector 3700.

S.J.J
SJ
20 May 1999

D. Willse
David H. Willse
Primary Examiner